

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

MARY ANN SHERMAN,

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Petitioner,

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No. 05-761V

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Special Master Christian J. Moran

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Filed: April 27, 2007

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Respondent.

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Peter H. Meyers, Esq., National Law Center, George Washington University, Washington, D.C.,
for Petitioner;

Melonie J. McCall, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On April 19, 2007, the parties filed a joint stipulation concerning the injuries received by petitioner, Mary Ann Sherman. Ms. Sherman filed a petition for compensation on June 21, 2005. In her petition, Ms. Sherman alleged that the influenza vaccine, which she received on November 21, 2002, caused flu-like symptoms, pain, swelling, discomfort, and a “knot” and/or limpoma on her upper right arm at the injection site. The “knot” and/or limpoma required surgical removal. Ms. Sherman sought compensation for those injuries.

Respondent denies that Ms. Sherman’s injuries were caused by the influenza vaccine.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

A lump sum of \$10,000.00 in the form of a check payable to Petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 05-761V according to this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser at (202) 357-6358.

IT IS SO ORDERED.

Christian J. Moran
Special Master